THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25436 of 2006

18.12.2006

Between:

B.Shankar, S/o.B.Jardhan

... Petitioner

AND

The Revenue Divisional Officer, Utnoor Division, Adilabad District
And another

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25436 of 2006

ORDER:

The petitioner is resident of Brahmanawada in Adilabad. He purchased land admeasuring Acs.18.04 guntas in survey No.73 situated at Jangaon village of Jainoor Mandal in Adilabad District, under an agreement of sale dated 25.2.1963, duly obtaining possession on the same day. The son of the vendor, Sona Rao, filed an application under Section 3 of A.P. Schedule Area Land Transfer Regulation, 1959 (Regulations, for brevity). The Special Deputy Collector (Tribal Welfare) in Case No.TWA 186/73, dated 17.9.1974, ordered eviction of the petitioner. The same was confirmed by the District Collector. When the petitioner challenged the order of the District Collector in W.P.No.2076 of 1976, this Court disposed of the writ petition, giving liberty to the petitioner to file a revision petition before the Government. The revision petition was also dismissed on 09.12.1977. Yet again the petitioner filed W.P.No.929 of 1978 and the same was statedly allowed on 22.10.1982. After the judgment of this Court in W.P.No.929 of 1978, the petitioner approached the respondents for correction of entries in the record of rights and pahanies. Mutation was accordingly effected by proceedings dated 22.3.1983 and possession was restored to the petitioner. It appears that the second respondent again issued a notice on 01.4.2005 restraining the petitioner from entering into the land. The petitioner again filed W.P.No.24088 of 2004 and statedly the notice was stayed by this Court by order dated 18.3.2005 in W.P.M.P.No.31553 of 2004. Thereafter, the second respondent initiated action under A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity) and passed orders on 20.3.2006 for eviction of the petitioner. Aggrieved by the same, the petitioner filed W.P.No.7774 of 2006. The same was disposed of on 20.4.2006 giving liberty to the petitioner to approach the appellate authority. Accordingly, the petitioner preferred appeal on 31.10.2006 before the Revenue Divisional Officer (RDO),

Utnoor Division – the first respondent herein. In this writ petition, he seeks a direction to the first respondent to dispose of the appeal.

Admittedly, the petitioner preferred appeal on 31.10.2006. It is also admitted by the petitioner that even though the petitioner purchased the subject land from Thota Gangu under an agreement of sale dated 25.2.1963, at the instance of the vendor's son, Sona Rao, the matter is being agitated before the authorities under the Regulations as well as the Act. In such a situation, it would not be proper for this Court to assume that appeal will be disposed of by the first respondent at a break-neck speed. Even before expiry of hardly two months, the petitioner rushed to this Court seeking a direction to the first respondent to dispose of the appeal. This Court is, therefore, not inclined to pass such an order. The first respondent may issue notice to all concerned (rival claimants are not parties to the writ petition though they are made parties to the appeal before the RDO), obtain their explanations/counters, conduct enquiry after giving opportunity to both the parties and pass appropriate orders as expeditiously as possible. No time limit or time frame can be fixed as prayed for by the petitioner.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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December 18, 2006. (**V.V.S.RAO,J**)

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